

BOARD OF APPEALS CASE NO. 5006

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BEFORE THE

APPLICANT: Otto Albrecht

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ZONING HEARING EXAMINER

**REQUEST: Variance to construct an
addition within the required side yard
setback; 314 Wakefield Drive, Bel Air**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 12/29/99 & 1/5/00

HEARING DATE: March 1, 2000

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Record: 12/31/99 & 1/7/00

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Otto Albrecht, is requesting a variance to Section 267-36(B), Table V, of the Harford County Code, to construct an addition within the required 30 foot side yard setback in an R2 Urban Residential District. The Applicant is proposing a 25.5 foot setback.

The subject property is located at 314 Wakefield Drive, Bel Air, in the Third Election District. The parcel is more specifically identified as Parcel 782, in Grid 4C, on Tax Map 49. The parcel is approximately one-third of an acre in size, all of which is zoned R2.

Mr. Albrecht appeared and testified that he is seeking a variance so that he can extend a single car garage approximately fifteen (15) feet to the side of his existing garage. This would result in an additional garage measuring approximately 15 by 26 feet. Mr. Albrecht testified that his lot is unusual and different from other lots in the neighborhood because it is pie-shaped and the house is set on an angle to the road, reducing the available space to build on the lot. He indicated that he did not believe that construction of the addition would negatively impact any of the surrounding properties. In fact, he added that there were other houses with garage additions on his street, to the benefit of the neighborhood.

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Mr. Anthony McClune, Manager, Division of Land Use Management for the Department of Planning and Zoning, appeared and testified regarding the Department's findings and recommendation. Mr. McClune testified that the shape of the property and the placement of the house at an angle makes this property unique. The pie-shape of the parcel and the required side and front setbacks reduces the usable area, leaving the proposed design as the only feasible option for the construction of the desired garage addition. The proposed request would result in an average total setback of 25.5 feet, only four and a half feet less than that required under the Code. Mr. McClune indicated that it was the Department's position that the proposed addition would have no adverse impact on adjoining properties or the neighborhood, and the Department therefore recommended approval of the proposed variance. No one appeared in opposition to the request.

CONCLUSION:

The Applicant is requesting a variance to Section 267-36(B), Table V of the Harford County Zoning Code, to construct a 15 by 26 foot garage addition within the required 30 foot side yard setback. The Applicant is seeking a four and a half foot variance, which would reduce the side yard setback to 25.5 feet on average.

The uncontradicted testimony of the Applicant and the Department of Planning and Zoning is that the subject parcel is unique because of its pie-shape and the placement of the dwelling on the property at an angle to the street, thereby reducing the buildable area on the side and to the rear of the lot. Both witnesses testified that there would be no substantial detriment to the adjoining properties and no adverse impact to the neighborhood as a whole. Neither witness believes that approval of the variance would materially impair the purpose of the Code or the public interest. In fact, construction of the garage addition would be beneficial to the appearance of the neighborhood in that it would allow cars to be parked inside, rather than on the street.

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It is the finding of the Hearing Examiner that the subject property is unique for the reasons stated by the Applicant and the Department of Planning and Zoning in their testimony and, further, that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance to reduce the side yard setback to 25.5 feet on average be approved, subject to the Applicant obtaining all necessary permits and inspections.

Date APRIL 5, 2000

**Valerie H. Twanmoh
Zoning Hearing Examiner**